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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,849	03/30/2004	Jonathan J. Hull	20412-08358	8256
758	7590	06/06/2007		
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EXAMINER FLETCHER, MARLON T	
			ART UNIT 2837	PAPER NUMBER
			MAIL DATE 06/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/813,849

Applicant(s)

HULL ET AL.

Examiner

Marlon T. Fletcher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-18, 23-33 and 35-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 12-14, 16, 17, 23, 24, 28-31, 37 and 39 is/are rejected.
- 7) ☒ Claim(s) 6-8, 10, 11, 15, 18, 25-27, 32, 33, 35, 36, 38 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 05/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9, 12-14, 16, 17, 23, 24, 28-31, 37, and 39, are rejected under 35 U.S.C. 102(b) as being anticipated by "Printer for digital cameras, Epson PrintOn PT-100/PT-110B" (02/17/200) hereafter "reference C7".

Reference C7 discloses a method comprising: receiving by a printer (Epson PrintOn PT-100W/PT-110B), audio/music data in a first format, wherein the printer is a device configured to print to a printable tangible medium; storing (memory card), in an audio/music storage module embedded within the printer, the audio/music data in the first format, wherein when the memory card is connected to the printer, becomes part of the printer; processing by a conversion module embedded within the printer the audio/music data to convert the audio/music data from the first format to a second format (page 1, paragraphs 3, 7, and 8: each paragraph starting at indentions); and outputting by the printer the processed audio/music data in a the second format (page 1, paragraph 10 – last paragraph).

Reference C7 discloses the method, further comprising processing the audio/music data responsive to commands provided by one from the group of: a print

dialog, PDL comments, a print driver, and a graphical user interface networked with the audio processing device printer (inherent – print driver).

Reference C7 discloses the method, wherein the audio/music data contains comprises audio speech (inherent in that the reference teaches sound which is broad and can encompass speech).

Reference C7 discloses the method, wherein the audio/music data in the first format comprises music data, and wherein the method further comprises: mapping musical content from the music data to a file in the second format (inherent).

Reference C7 discloses the method, wherein the step of processing the audio/music data is performed in part by a device other than the printer and in part by the printer (page 1, paragraph 7).

Reference C7 discloses an apparatus a printer for outputting a processed audio/music file comprising: an interface for receiving audio/music data in a first format (page 1, paragraph 3).

Reference C7 discloses the apparatus printer, wherein the output system is configured to output the processed audio/music data to at least one of the group of: a printed document, an analog file, an optical disk, a portable device memory, a networked server, and a networked display (page 1, paragraphs 3 and 10).

Reference C7 discloses the apparatus printer, further comprising a command module for automatically determining the conversion pathway of the audio/music data in the first format to a file in an output format wherein the conversion pathway comprises

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at least a conversion of the audio/music data in the first format to a second format, and a conversion from the second format to the output format (inherent).

Allowable Subject Matter

3. Claims 6-8, 10-11, 15, 18, 25-27, 32, 33, 35, 36, 38, and 40, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon T. Fletcher whose telephone number is 571-272-2063. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on 571-272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MTF
05/26/2006



Marlon Fletcher
Primary Examiner